

Notice of Allowability

Application No.

09/943,161

Applicant(s)

WOODS ET AL.

Examiner

Michael B. Holmes

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to April 04, 2005.
2. ☒ The allowed claim(s) is/are 5-7 and 9-15.
3. ☒ The drawings filed on 16 October 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/943,161.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____



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Examiner's Detailed Office Action

1. Claims 5-7 and 9-15 are allowed.

REASONS FOR ALLOWANCE

2. The following is an Examiner's statement for reasons for allowance:

3. The closest prior art *Husseiny* (USPN 5,210,704) & *Miceli et al.* (USPN 6,590,519 B2) do not teach or render obvious applicant's claimed invention. In particular, as pointed out below, the prior art lacks certain features and the combination as specified in the respective claims.

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6/23/05
all

4. With regards to claim 5 *Husseiny* & *Miceli et al.* ^{do not disclose} the combination of elements set forth in the claim and in particular combining the first and second damage values to generate a single damage index.

^{do not disclose}

5. With regards to claim 6 *Husseiny* & *Miceli et al.* the combination of elements set forth in the claim and in particular combining the first and second damage values to generate a single damage index.

^{do not disclose}

6. With regards to claim 9 *Husseiny* & *Miceli et al.* the combination of elements set forth in the claim and in particular generating a single suitability index based on a combination of each damage index.

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7. With regards to claim 10 *Husseiny & Miceli et al.* ^{do not disclose} the combination of elements set forth in the claim and in particular generating a single suitability index based upon a combination of each damage index.

8. With regards to claim 11 *Husseiny & Miceli et al.* ^{do not disclose} the combination of elements set forth in the claim and in particular generating a second damage value, and combining means for combining the first and second damage values to generate a single damage index.

9. With regards to claim 14 *Husseiny & Miceli et al.* ^{do not disclose} the combination of elements set forth in the claim and in particular combining means for combining the first and second damage values to generate a single damage index.

Correspondence Information

10. Any inquires concerning this communication or earlier communications from the examiner should be directed to Michael B. Holmes, who may be reached Monday through Friday, between 8:00 a.m. and 5:00 p.m. EST. or via telephone at (571) 272-3686 or facsimile transmission (571) 273-3686 or email Michael.holmesb@uspto.gov.

If you need to send an Official facsimile transmission, please send it to (703) 746-7239.

If attempts to reach the examiner are unsuccessful the Examiner's Supervisor, Anthony Knight, may be reached at (571) 272-3687.

Hand-delivered responses should be delivered to the Receptionist @ (Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22313), located on the first floor of the south side of the Randolph Building.

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Michael B. Holmes

Patent Examiner

Artificial Intelligence

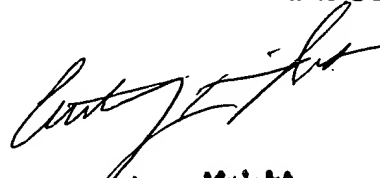
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United States Department of Commerce

Patent & Trademark Office

Monday, June 20, 2005

MBH

A handwritten signature in black ink, appearing to read 'Anthony Knight', is written over the printed name and title.

Anthony Knight

Supervisory Patent Examiner

Group 3600